IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.246 OF 2004

Mr.Lao K. chatur. ...Petitioner

V/s.

M/s.A.C.T.I.V.A., through its
Proprietor, Mrs.Besty Sylvester & Anr. ...Respondents

Mr.Kishor S. Gumaste & Sarang G. Bhangal for Petitioner.
Mr.Avinash Joshi for Respondent No.1.
Mr.B.H. Mehta, A.P.P. for the State.

CORAM : A.S. AGUIAR, J.
DATED : AUGUST 23, 2004

P.C. :-

1. Heard learned Advocates for the parties.

2. Rule. By consent, rule returnable forthwith.

3. In this petition, the petitioner challenges the order dated 30th October, 2003 passed by the Additional Sessions Judge, Pune, in Revision Application No.689/2003 from the order of the J.M.F.C., Pune, dated 6th September, 2003 in Criminal complaint No.2707/2001 rejecting the application of the petitioner-complainant

for impleading the husband of present respondent as accused to the complaint.

4. Both the Courts have rejected the application on the ground that no case is made out against the husband of the respondent herein as the notice admittedly was served on the respondent and not her husband Sylvester. The legal position is well established. No cause of action arises against a person who has not been served with the statutory notice. Notice has to be construed strictly. Hence, present petition is rejected and disposed of.

. Certified copy expedited.

(A.S. AGUIAR, J.)